

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ANTHONY FRAGUA,

Petitioner,

v.

1:16-cv-01405-RB-LF

MATTHEW ELWELL,¹ Director,
Sandoval County Detention Center,

Respondent.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Laura Fashing's Proposed Findings and Recommended Disposition ("PFRD"), filed May 12, 2017. Doc. 18. The Court shortened the time for objections, and the parties were required to file objections to the PFRD by 5:00 p.m. on Friday, May 19, 2017. Doc. 21. Respondent Matthew Elwell filed a notice of non-objection to the PFRD on May 12, 2017. Doc. 22. Petitioner did not file objections to the PFRD, and the time to do so has now passed.

IT IS THEREFORE ORDERED as follows:

- 1) Magistrate Judge Laura Fashing's Proposed Findings and Recommended Disposition (Doc. 18) are ADOPTED;
- 2) Anthony Fragua's Petition (Doc. 1) is GRANTED;
- 3) Anthony Fragua's conviction is reversed; and

¹ Matthew Elwell, the new Director of the Sandoval County Detention Center, is automatically substituted for his predecessor, Al Casamento, as the respondent in this suit. FED. R. CIV. P. 25(d).

- 4) Anthony Fragua must be immediately released from custody, without restrictions or conditions.²



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² On May 5, 2017, Pueblo of Jemez Tribal Judge Toledo ordered Mr. Fragua released from the Sandoval County Detention Center under certain conditions. *See* Docs. 23-1, 24.